

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH CAROLINA**

**IN RE:**

**Ramon Preston McGehee and Kristi Lynn  
Blessitt,**

**Debtors.**

**Case # 16-01948-dd**

**Chapter 7**

TO: All Creditors and Parties in Interest

**NOTICE AND MOTION PURSUANT TO FEDERAL RULE OF BANKRUPTCY  
PROCEDURE 9019 AS TO DEBTORS' EXEMPTIONS**

YOU ARE HEREBY NOTIFIED THAT Michelle L. Vieira, Chapter 7 Trustee ("Trustee") for Ramon Preston McGehee and Kristi Lynn Blessitt ("Debtors"), hereby moves the Court for an order approving the settlement and compromise between the Trustee and the Debtors as it relates to the exemptions claimed by the Debtors and the Trustee's Objection to Debtor Exemptions, filed at Docket 17, as supplemented at Docket 40.

TAKE FURTHER NOTICE that any response, return and/or objection to this Notice, should be filed with the Clerk of the Bankruptcy Court no later than twenty-one (21) days from the service hereof and a copy simultaneously served on all parties in interest.

TAKE FURTHER NOTICE that no hearing will be held on this Notice unless a response, return and/or objection is timely filed and served, in which case the Court will conduct a hearing on **October 18, 2016, at 9:00 a.m. at the United States Bankruptcy Courthouse, 145 King Street, Room 225, Charleston, SC 29201-2423**. No further notice of this hearing will be given.

NATURE OF DISPUTE: The Trustee objected to a number of the Debtors' claimed exemptions. The most substantial was an exemption claimed in a "Traditional IRA" in the approximate amount of \$218,000. The Trustee objected on the grounds that the IRA was improperly established with funds that were not eligible for rollover. The Trustee also objected to the Debtors' claimed exemption in funds remaining in a non-qualified deferred compensation account (the "MaxWorth Account") in the approximate amount of \$18,850, on the grounds that the exemption statute listed by the Debtors did not apply to these funds and no other exemption statute was applicable. The Debtors have asserted that the amount of approximately \$4,523 which was distributed to the Debtor post-petition from the MaxWorth Account is subject to

exemption as a liquid asset, upon a proper amendment to Schedule C, which the Trustee disputes. The other objections asserted by the Trustee have been or will be cured by the Debtors' filing of amended schedules. Specifically, the Trustee agrees that the "Roth IRA", the "Second Vehicle", and the "Lawsuits"<sup>1</sup> (as related to non-bodily injury damages) are subject to exemption. Finally, during the investigations into the objection to exemptions, the Debtors have discovered the existence of a potential pre-petition claim against Edward Jones (the "EJ Claim") for advice that was given to the Debtors regarding the Traditional IRA rollover. The Trustee reserved her rights as to the EJ Claim. The Trustee also reserved her rights as to a potential claim involving the pre-petition transfer of a vehicle interest between the Debtors, which was also revealed during the course of investigations.

**AMOUNT DISPUTED:** The value of the items subject to dispute are as follows: Traditional IRA, approximately \$218,000; MaxWorth Account, approximately \$18,850, with approximately \$4,523 of this amount having been distributed to the Debtor post-petition; the EJ Claim, undetermined; and pre-petition transfer of vehicle interest between the Debtors, \$2,100.

**PROPOSED SETTLEMENT OR COMPROMISE:** The parties agree that the Traditional IRA and the MaxWorth Account are not exempt, including the amount which was distributed to the Debtor post-petition from the MaxWorth Account, and that these assets will be administered in the chapter 7. The Trustee agrees to abandon the Roth IRA, the Second Vehicle, and the Lawsuits, which the Trustee agrees are properly subject to exemption. The Trustee will abandon the EJ Claim and any claim resulting from the Debtors' pre-petition transfer of a vehicle interest, after having considered the cost/benefit of the same. The Debtor has a diamond ring which has a scheduled value that is greater than the applicable exemptions. As part of this settlement, the Debtor agrees to provide the ring to the Trustee for appraisal, but any value the ring might have for the benefit of the estate will be treated separately from this settlement agreement.

**BENEFIT TO THE ESTATE:** This settlement will enable the Trustee to liquidate the Traditional IRA and the MaxWorth Account quickly and efficiently, without further dispute. The creditors will benefit from the swift distribution through the chapter 7. The Trustee has determined that the EJ Claim would be expensive and lengthy litigation for the estate, with no guaranteed outcome, and therefore has determined that it is prudent to abandon this claim. Likewise, the cost of pursuing the pre-petition transfer of a vehicle interest between the Debtors pre-petition outweighs the potential recovery of only \$2,100. This settlement allows the Trustee to avoid further cost of litigation, while guaranteeing the estate the benefit of the most substantial assets which are the Traditional IRA and the MaxWorth Account.

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<sup>1</sup> These capitalized terms are defined in the Objection at Docket 17.

**MOVING PARTIES:**

For the Trustee: Christine E. Brimm, 1715 Pickens St., Columbia, SC 20201,  
[cbrimm@bartonlawsc.com](mailto:cbrimm@bartonlawsc.com), 803-256-6582.

For the Debtors: R. Michael Drose, 3955 Faber Place Drive, Charleston SC 29405,  
[michaeldrose@droselaw.com](mailto:michaeldrose@droselaw.com), 843-767-8888.

RESPECTFULLY SUBMITTED on this the 8<sup>th</sup> day of September, 2016 at Columbia,  
South Carolina.

**MOVING PARTY:**

/s/Christine E. Brimm  
Barbara George Barton, #1221  
Christine E. Brimm, #6313  
BARTON LAW FIRM, P.A.  
1715 Pickens Street  
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[bbarton@bartonlawsc.com](mailto:bbarton@bartonlawsc.com)  
COUNSEL FOR THE TRUSTEE

**WE CONSENT:**

/s/R. Micheal Drose  
R. Michael Drose  
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3955 Faber Place Drive  
N Charleston SC 29405  
P 843.767.8888  
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COUNSEL FOR THE DEBTORS

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH CAROLINA**

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**Ramon Preston McGehee and Kristi Lynn  
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**Debtors.**

**Case # 16-01948-dd**

**Chapter 7**

**CERTIFICATE OF SERVICE BY MAIL**

I, Megan Jankowski, hereby certify that I, on behalf of Christine E. Brimm, District Court I.D. #6313, Counsel for Michelle L. Vieira, Chapter 7 Trustee, served a copy of the **NOTICE AND MOTION PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 9019 AS TO DEBTORS' EXEMPTIONS, filed September 8, 2016**, on the Office of the United States Trustee via electronic filing and electronic transmission through CM/ECF, pursuant to SC LBR 9036-1, and on the parties in interest as shown on the attached listing, via U.S. Mail, on September 8, 2016.

**BARTON LAW FIRM, P.A.**

BY: /s/Megan Jankowski  
P. O. Box 12046  
Columbia, SC 29211-2046  
(803) 256-6582

September 8, 2016

Label Matrix for local noticing  
0420-2  
Case 16-01948-dd  
District of South Carolina  
Charleston  
Wed Sep 7 14:06:36 EDT 2016

ABC Amega Inc  
500 Seneca Street Ste 400  
Buffalo NY 14204-1963

ADP LLC  
PO Box 12513  
El Paso TX 79913-0513

AMERICAN EXPRESS CENTURION BANK  
C/O BECKET AND LEE LLP  
PO BOX 3001  
MALVERN PA 19355-0701

ATLANTIC RADIOLOGY  
PO BOX 347226  
MIAMI FL 33234-7226

Allergan USA Inc  
12975 Collections Center Dr  
Chicago IL 60693-0129

Amalgamated Financial Group  
PO Box 1006  
Old Bridge NJ 08857-1006

American Express  
PO Box 650448  
Dallas TX 75265-0448

Anda Inc  
2915 Weston Road  
Fort Lauderdale FL 33331-3627

Attorney General of The US  
Civil Division Bankruptcy Section  
US Department of Justice  
Washington DC 20530-0001

(p)BB AND T  
PO BOX 1847  
WILSON NC 27894-1847

BB & T  
PO Box 580050  
Charlotte NC 28258-0050

BB & T  
PO Box 580057  
Charlotte NC 28258-0057

BB & T  
PO Box 580435  
Charlotte NC 28258-0435

BB & T Mortgage  
PO Box 2167  
Greenville SC 29602-2167

BEAUFORT COUNTY EMS  
PO DRAWER 1228  
BEAUFORT SC 29901-1228

Bank of America  
PO Box 105576  
Atlanta GA 30348-5576

Bank of America  
PO Box 15019  
Wilmington DE 19886-5019

Bank of America  
PO Box 2759  
Jacksonville FL 32203-2759

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1715 Pickens Street (29201)  
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3955 Faber Place Drive Ste 103  
Charleston, SC 29405-8565

Kristi Lynn Blessitt  
27 Lawton Street  
Bluffton, SC 29910-7029

Blue Choice  
PO Box 6170  
Columbia SC 29260-6170

Branch Banking and Trust Company  
c/o Steven B. Licata  
973 Rockbridge Road  
Ridgeway, SC 29130-8993

Christine E. Brimm  
Barton Law Firm, PA  
1715 Pickens Street  
Columbia, SC 29201-2646

Carter Young Inc  
PO Box 1022  
Wixom MI 48393-1022

Chase  
PO Box 15123  
Wilmington DE 19886-5123

Cigna  
PO Box 952366  
Saint Louis MO 63195-2366

Coolidge, LLC  
Carol Ann Aylward  
1226 Arno Road  
Kansas City MO 64113-2011

DONNA VICKERS  
C/O DAVID A MANZI ESQUIRE  
10 HERON POINT  
OKATIE SC 29909-4013

R. Michael Drose  
3955 Faber Place Drive  
Suite 103  
North Charleston, SC 29405-8565

EBay mastercard  
PO Box 960080  
Orlando FL 32896-0080

HILTON HEAD HEART  
75 BAYLOR DE STE 155  
BLUFFTON SC 29910-8965

HILTON HEAD HOSPITAL  
25 HOSPITAL CENTER BLVD  
HILTON HEAD ISLAND SC 29926-2793

Hargray  
Remittance Center  
PO Box 100116  
Columbia SC 29202-3116

(p)INTERNAL REVENUE SERVICE  
CENTRALIZED INSOLVENCY OPERATIONS  
PO BOX 7346  
PHILADELPHIA PA 19101-7346

Jasper County Tax Collector  
PO Box 428  
Ridgeland SC 29936-2607

Joseph, Mann & Creed Collections  
PO Box 1270  
Twinsburg OH 44087-9270

Labcorp  
PO Box 12140  
Burlington NC 27216-2140

Laughlin & Bowen PC  
PO Drawer 21119  
Hilton Head Island SC 29925-1119

(p)TOYOTA MOTOR CREDIT CORPORATION  
PO BOX 8026  
CEDAR RAPIDS IA 52408-8026

MONIQUE MILLS  
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HILTON HEAD SC 29926-1059

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Attorneys for Kareo Inc  
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Orlando FL 32886-4371

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Bluffton, SC 29910-7029

Monique Mills  
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Hilton Head Island SC 29926-1059

Morris Publishing Group LLC  
SSC Advertising  
PO Box 1486  
Augusta GA 30903-1486

Navient Solutions Inc  
PO Box 9500  
Wilkes Barre PA 18773-9500

Navient Solutions, Inc.  
220 Lasley Ave  
Wilkes-Barre, PA 18706-1430

Nick Felix, McNair Attorneys  
PO Drawer 3  
Hilton Head Island SC 29938-0003

PROFESSIONAL PATHOLOGY SERVICES PC  
25 HOSPITAL CENTER BLVD  
HILTON HEAD ISLAND SC 29926-2738

PYOD, LLC its successors and assigns as assi  
of Citibank, N.A.  
Resurgent Capital Services  
PO Box 19008  
Greenville, SC 29602-9008

Paragard Direct  
12601 Collections Center Dr  
Chicago IL 60693-0126

Professional Recovery Consultants  
2700 Meridian Pkwy Ste 200  
Durham NC 27713-2450

RADISPHERE  
3700 PARK EAST STE 300  
BEACHWOOD OH 44122-4399

Ricoh USA Inc  
PO Box 532530  
Atlanta GA 30353-2530

SC Department of Revenue  
PO Box 12265  
Columbia SC 29211-2265

SC INTERNISTS BILLING  
5665 NEW NORTHSIDE DR STE 320  
ATLANTA GA 30328-5834

SHORELINE MEDICAL TRANSPORT  
452 BROWNS COVE RD  
Ridgeland SC 29936-8164

SOUTHCOAST MEDICAL GROUP  
25 HOSPITAL CENTER BLVD #104  
HILTON HEAD ISLAND SC 29926-2735

SOUTHEAST MEDICAL GROUP  
25 HOSPITAL CENTER BLVD #104  
HILTON HEAD ISLAND SC 29926-2735

Sears Credit Cards  
PO Box 78051  
Phoenix AZ 85062-8051

Selective Insurance Co of South Carolina  
11711 North Meridian Street Suite 800  
Carmel IN 46032-6965

Selective Service Center  
c/o Stevens Hale  
PO Box 13325  
Richmond VA 23225-0325

South Carolina Dept Of Employment & Work  
PO Box 995  
Columbia SC 29202-0995

Steven B. Licata Esquire  
973 Rockbridge Road  
Ridgeway SC 29130-8993

Synchrony Bank  
c/o Recovery Management Systems Corp  
25 SE 2nd Ave Suite 1120  
Miami FL 33131-1605

Synchrony Bank / Sleep Number  
PO Box 9650061  
Orlando FL 32896-0428

TARGET  
PO BOX 673  
MINNEAPOLIS MN 55440-0673

TJX Rewards  
PO Box 530948  
Atlanta GA 30353-0948

Televox  
West Notifications Inc  
Department #1343  
Denver CO 80256-0001

The Bannon Law Group LLC  
PO Box 3691  
Bluffton SC 29910-3691

The Bluffton Sun  
PO Box 2056  
Bluffton SC 29910-2056

TheraComm  
9717 Key West Ave  
Rockville MD 20850-3982

Toyota Lexus  
PO Box 9490  
Cedar Rapids IA 52409-9490

US Trustee's Office  
Strom Thurmond Federal Building  
1835 Assembly St.  
Suite 953  
Columbia, SC 29201-2448

US Attorney for South Carolina  
For The Internal Revenue Service  
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Columbia SC 29201-2897

US Bank Equipment Finance  
1310 Madrid St  
Marshall MN 56258-4099

Michelle L. Vieira  
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Myrtle Beach, SC 29572-0024

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified  
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

BB & T  
PO Box 2322  
Lumberton NC 28359

(d)BB&T Bankruptcy  
100-50-01-51  
PO Box 1847  
Wilson, NC 27894-1847

Internal Revenue Service  
1835 Assembly Street  
Stop MDP 39  
Columbia SC 29201

Lexus Financial Services  
PO Box 5855  
Carol Stream IL 80197

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Bypassed recipients 3  
Total 80